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BY: ECF

Honorable Edgardo Ramos
Thurgood Marshal U.S. Courthouse
40 Foley Square
New York, NY 10007

July 1, 2019

Re: *H.Day International Co., Ltd. v. Arazi, et al., No. 16-cv-9880 (ER)*

Dear Judge Ramos:

We write as counsel for the plaintiff/judgment-creditor, H.Day International Company, Ltd. (the “**Plaintiff**” or “**Judgment-Creditor**”), to request that a pre-motion conference be convened in accordance with Your Honor’s individual rules and Local Civil Rule 37.2. The Plaintiff seeks to file a motion to compel defendant/judgment-creditor Habib Arazi (“**Habib**”) and his wife, nonparty witness Grace Arazi (“**Grace**”), to comply with post-judgment discovery, namely, two subpoenas *duces tecum, ad testificandum*. Whereas the subpoenas were personally served on Habib and Grace, they have both failed to timely produce responsive materials central to the Plaintiff’s collection efforts or appear for depositions.

By way of background, on November 9, 2018, this Court entered a judgment against Princess, Inc. and Habib (together, the “**Judgment-Debtors**”) jointly and severally in the amount of \$717,586.91, together with an award of \$867.50 in costs (the “**Judgment**”). By letter dated January 7, 2019, our office informed the Judgement-Debtors of their obligations under the Judgment and offered to accept payment by monthly installments. The Judgment-Debtors ignored our overtures and on February 16, 2019, we served them¹ with a subpoena (the “**Habib Subpoena**”), which contained thirty-one document requests and commanded Habib to appear for a deposition on March 28, 2019. On March 25, counsel for the Judgment-Debtors, Morris Fateha, advised us that

¹ Habib was the owner and CEO of the now dissolved Princess, Inc., and his compliance with the Habib Subpoena is sought on behalf of both Judgment-Debtors.

compliance with the Habib Subpoena would not occur until mid-April due to Mr. Fateha's schedule. We agreed that the Judgment-Debtors might have until April 19 to produce documents and that Habib's deposition would be taken on May 7. But the deposition was postponed because the Judgment-Debtors belatedly turned over a woefully deficient portion of the documents we demanded on May 5. On June 12, we emailed Mr. Fateha a summary of the documents that the Judgment-Debtors failed to produce and requested a meeting to resolve their production shortcomings. The Judgment-Debtors have not responded to our email. What we are seeking to compel is the production of documents concerning the Judgment-Debtors' financial accounts, tax records, real and personal property, payable or recoverable debts, and safe deposit boxes, in addition to the financial records of companies wholly owned by Habib and to which he may have shifted assets.

The Plaintiff also seeks to obtain information about the Judgment-Debtors' assets from Grace inasmuch as independent research has revealed that she received assets transferred by Habib after the entry of the Judgment. Notwithstanding her receipt of a subpoena on June 6, Grace has not produced responsive documents, nor arranged with us for a belated production. Nor has she appeared for deposition. We are seeking to compel production of documents concerning Grace's financial accounts, entities in which she has an ownership interest, her tax records, any funds or property received from the Judgment-Debtors, and any real or personal property owned jointly with Habib. We also seek to compel deposition testimony by both Grace and Habib upon receipt of their documents.

For the foregoing reasons, the Plaintiff respectfully requests a pre-motion conference in anticipation of filing a motion seeking to compel compliance with the subpoenas served upon the Judgment-Debtors and Grace Arazi. *See generally AmTrust N. Am., Inc. v. Preferred Contrs. Ins. Co. Risk Retention Grp., LLC*, 2016 U.S. Dist. LEXIS 145705 (S.D.N.Y. Oct. 18, 2016) (granting judgment-creditor's motion to compel).

Respectfully submitted:

Sam P. Israel, P.C.

By: /s/ Sam Israel
Sam Israel (SPI0270)

cc: Morris Fateha and Grace Arazi